

ESTTA Tracking number: **ESTTA648965**

Filing date: **01/08/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91214312
Party	Plaintiff Diageo Brands B.V.
Correspondence Address	THEODORE H DAVIS JR KILPATRICK TOWNSEND & STOCKTON LLP SUITE 2800 ATLANTA, GA 30309-4528 UNITED STATES tdavis@ktslaw.com, nchollet@ktslaw.com, kteilhaber@ktslaw.com, tmad-min@ktslaw.com
Submission	Answer to Counterclaim
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Date	01/08/2015
Attachments	2015.01.08 Opposer's Answer to Applicant's Counterclaim.pdf(85728 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

DIAGEO BRANDS B.V.,)	
)	Opposition No. 91214312
Opposer,)	
)	TM: TANDUAY
v.)	(Serial No. 85834409)
)	
MIDWAY TRADING CORP.,)	
)	
Applicant.)	
_____)	

OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIM

Opposer Diageo Brands B.V. ("Opposer") respectfully submits the following answer to the counterclaim for partial cancellation of Opposer's Registration No. 3369110 by Applicant Midway Trading Corp. ("Applicant"):

1. Opposer admits the allegations of paragraph one of Applicant's counterclaim.
2. Opposer admits that gin and vodka are the only distilled spirits with which it uses its TANQUERAY mark or any formative thereof. Opposer denies the remaining allegations of paragraph two of Applicant's counterclaim.
3. Opposer admits the allegations of paragraph three of Applicant's counterclaim.
4. Opposer admits the allegations of paragraph four of Applicant's counterclaim.
5. Opposer admits the allegations of paragraph five of Applicant's counterclaim.
6. Opposer is without sufficient knowledge either to admit or to deny the allegations in paragraph six of Applicant's counterclaim bearing on Applicant's belief about the merits of Opposer's claims in this proceeding. Opposer denies the remaining allegations of that paragraph.

Opposer therefore requests that the Board dismiss Applicant's counterclaim and enter judgment in Opposer's favor.

This 8th day of January, 2015.

Respectfully submitted,

/Theodore H. Davis Jr./

Theodore H. Davis Jr.

Sabina A. Vayner

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Counsel for Opposer Diageo Brands B.V.

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)	
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)	
Applicant.)	
_____)	

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **Opposer's Answer to Applicant's Counterclaim** was served on Applicant's counsel of record in the above-referenced opposition proceeding on January 8, 2015, via first-class mail addressed to:

Rodrick J. Enns, Esq.
Julia C. Archer, Esq.
Enns & Archer LLP
939 Burke Street
Winston Salem, NC 27101

/Sabina A. Vayner/
Counsel for Opposer

CERTIFICATE OF TRANSMITTAL

This is to certify that a copy of the foregoing **Opposer's Answer to Applicant's Counterclaim** is being filed electronically with the TTAB via ESTTA in the above-referenced opposition proceeding on January 8, 2015.

/Sabina A. Vayner/
Counsel for Opposer